

2019 -- H 5885

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS

Introduced By: Representatives Slater, and Ruggiero

Date Introduced: March 21, 2019

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-20-2.2 of the General Laws in Chapter 17-20 entitled "Mail
2 Ballots" is hereby amended to read as follows:

3 ~~17-20-2.2. Requirements for validity of emergency mail ballots.~~ **Requirements for**
4 **validity of emergency mail ballots and emergency ballot applications.**

5 (a) Any legally qualified elector of this state whose name appears upon the official voting
6 list of the town or district of the city or town where the elector is so qualified, ~~who on account of~~
7 ~~circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote~~
8 ~~by mail ballot according to this chapter,~~ may obtain from the local board an application for an
9 emergency mail ballot.

10 (b) The emergency mail ballot application, when duly executed, shall be delivered in
11 person or by mail so that it shall be received by the local board not later than four o'clock (4:00)
12 p.m. on the last day preceding the date of the election.

13 (c) The elector shall execute the emergency mail ballot application in accordance with the
14 requirements of this chapter, ~~which application shall contain a certificate setting forth the facts~~
15 ~~relating to the circumstances necessitating the application.~~

16 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency
17 mail ballot, in order to be valid, must have been cast in conformance with the following
18 procedures:

19 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the

1 elector at the State of Rhode Island address provided on the application by the office of the
2 secretary of state, or delivered by the local board to a person presenting written authorization
3 from the elector to receive the ballots, ~~or cast in private at the local board of canvassers.~~ In order
4 to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be
5 made before a notary public, or other person authorized by law to administer oaths where signed,
6 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the
7 form. ~~In order to be valid, all ballots sent to the elector at the board of canvassers must be voted
8 in conformance with the provisions of § 17-20-14.2.~~

9 (2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must
10 state under oath the name and location of the hospital, convalescent home, nursing home, or
11 similar institution where the elector is confined. All mail ballots issued pursuant to this
12 subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in
13 conformance with this chapter, and shall be voted and witnessed in conformance with the
14 provisions of § 17-20-14.

15 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the
16 office of the secretary of state to the elector at an address provided by the elector on the
17 application, ~~or cast at the board of canvassers in the city or town where the elector maintains his
18 or her voting residence.~~ The signature of the elector on the certifying envelope containing the
19 voted ballots issued pursuant to the subdivision does not need to be notarized or witnessed. Any
20 voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to
21 cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

22 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be ~~cast at the board of
23 canvassers in the city or town where the elector maintains his or her voting residence or~~ mailed
24 by the office of the secretary of state to the elector at the address within the United States
25 provided by the elector on the application, or delivered to the voter by a person presenting written
26 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
27 all certifying envelopes containing a voted ballot must be made before a notary public, or other
28 person authorized by law to administer oaths where signed, or where the elector voted, or before
29 two (2) witnesses who shall set forth their addresses on the form. ~~In order to be valid, all ballots
30 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
31 § 17-20-14.2.~~

32 (e) The secretary of state shall provide each of the several boards of canvassers with a
33 sufficient number of mail ballots for their voting districts so that the local boards may provide the
34 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to

1 process each emergency ballot application in accordance with this chapter, and it shall be the duty
2 of each board to return to the secretary of state any ballots not issued immediately after each
3 election.

4 (f) Any person knowingly and willfully making a false application or certification, or
5 knowingly and willfully aiding and abetting in the making of a false application or certification,
6 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

7 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and
8 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

9 **17-19-24.4. In-person early voting.**

10 (a) In-person early voting shall be made available to any registered voter and eligible
11 elector of this state whose name appears upon the official voting list of the city or town where the
12 elector is so qualified to vote for all elections.

13 (b) The in-person early voting period shall begin on the twentieth day before a primary or
14 general election and extend through four o'clock (4:00) p.m. on the day before the general or
15 primary election.

16 (c) During the in-person early voting period as set forth in subsection (b) of this section,
17 in-person early voting shall take place at locations to be determined by each local board and
18 approved by the state board, with at least one location for each town or city. Prior to the
19 beginning of the in-person early voting period, a notice shall be published by the secretary of
20 state in a newspaper or newspapers having aggregate general circulation throughout the state at
21 least three (3) days prior to the beginning of the in-person early voting period. Adequate notice of
22 at least seven (7) days shall be posted at each local board's office and on the city's or town's
23 website, if any, informing the public of the locations where in-person early voting is being
24 conducted. Notice of the in-person early voting period for each city or town shall also be posted
25 on the secretary of state's website and the board of elections website.

26 Effective January 1, 2020, in-person early voting shall take place during normal business
27 hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday during the
28 twenty (20) day in-person early voting period. In-person early voting shall take place on the
29 Saturday preceding a primary or general election day during the hours of twelve o'clock (12:00)
30 p.m. to four o'clock (4:00) p.m. and on the Sunday preceding a primary or general election day
31 during the hours of twelve o'clock (12:00) p.m. to four o'clock (4:00) p.m. during the twenty (20)
32 day in-person early voting period.

33 Nothing contained herein shall be construed to prohibit a municipality from including
34 additional days and times where early voting is available during the in-person early voting period.

1 (d) Prior to the in-person early voting period, the state board shall provide the local
2 boards with the ballots, ballot on-demand printers, ballot applications, tabulation equipment,
3 ballot storage boxes, voting booths, electronic poll books, instructions as to voting, and other
4 supplies necessary to effectuate the provisions of this section. During the in-person early voting
5 period, the state board shall provide technical support as needed at in-person early voting sites.

6 (e) The secretary shall make available no later than the next business day, the updated list
7 of those persons that have cast their ballot during the in-person early voting period.

8 (f) At the conclusion of the early voting period the local board shall note on the
9 appropriate electronic or paper-based voter roll that the voter has cast an early vote so as to
10 prevent the voter from casting an additional vote at the polls on election day.

11 (g) The procedure for voting during the in-person early voting period shall be established
12 through rules promulgated by the state board.

13 (h) The secretary of state and state board shall convene an in-person early voting advisory
14 committee to assist in the drafting of rules for the in-person early voting period. The advisory
15 committee is comprised of the following:

16 (1) Secretary of state, or designee;

17 (2) Three (3) representatives of the board of elections;

18 (3) Three (3) representatives of the Rhode Island town and city clerks association
19 elections committee appointed by the president of the Rhode Island town and city clerks
20 association.

21 (i) The advisory committee shall advise the state board on issues including, but not
22 limited to:

23 (1) Staffing of in-person early voting locations;

24 (2) Suitable in-person early voting locations;

25 (3) Accessibility criteria to be considered for in-person early voting locations.

26 (j) The provisions of subsections (h) and (i) of this section creating an in-person early
27 voting advisory committee shall sunset and be repealed effective December 31, 2020.

28 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS - MAIL BALLOTS

1 This act would amend the current election laws to facilitate mail ballot voting and early
2 in-person voting. For the emergency mail ballots, the amendment would remove the requirement
3 that the emergency application for a mail ballot be submitted within twenty (20) days of an
4 election and it would remove the requirement that the applicant state the reasons for the
5 application. The act would also provide that early in-person voting be available to any registered
6 voter beginning twenty (20) days before the election, seven (7) days a week, at a least one
7 location in every municipality.

8 This act would take effect upon passage.

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